

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HARRY C. GOODALL, JR.,
Petitioner,
v.
JOHN MARSHALL,
Respondent. } Case No. SACV 11-1152 DOC(JC)
} ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus by a Person in State Custody (the “Petition”), all of the records herein, and the attached Report and Recommendation of United States Magistrate Judge. The Court approves and accepts the United States Magistrate Judge’s Report and Recommendation.

IT IS ORDERED that the Petition is denied and this action is dismissed without prejudice, in part because it is not cognizable on federal habeas review, and in part because it is successive and the Court lacks jurisdiction to consider it in light of petitioner's failure to obtain the requisite authorization from the Ninth Circuit to file a successive petition.

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1 IT IS FURTHER ORDERED that the Clerk of the Court shall refer the
2 Petition to the United States Court of Appeals for the Ninth Circuit (the “Ninth
3 Circuit”) pursuant to Ninth Circuit Rule 22-3(a).

4 IT IS FURTHER ORDERED that the Clerk shall serve copies of this Order,
5 the United States Magistrate Judge’s Report and Recommendation, and the
6 Judgment herein on petitioner and on counsel for respondent.

7 LET JUDGMENT BE ENTERED ACCORDINGLY.

8 DATED: December 2, 2011

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10 HONORABLE DAVID O. CARTER
11 UNITED STATES DISTRICT JUDGE

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